

**Remarks**

This Amendment is responsive to the Office Action of **May 20, 2005**. Reexamination and reconsideration of **claims 1-21** is respectfully requested.

**Summary of The Office Action**

**Claims 7, 8, 19, 20 and 21** were indicated to be allowable if rewritten in independent form.

**Claim 1** was rejected under 35 U.S.C. § 112, second paragraph.

**Claims 10 and 14-16** were objected to for informalities.

**Claims 1-6, 9-11 and 17** were rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al. (U.S. Pat. No. 4,953,011).

**Claims 12, 13 and 18** were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori et al. (U.S. Pat. No. 4,953,011) in view of Tayebati (U.S. Pat. No. 6,819,466).

**Claims 14-16** were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori et al.

**Objections to Informalities in the Claims**

**Claim 1** was rejected due to the phrase “regardless of the hue of the ambient light within the space.” This phrase has been deleted. Thus, claim 1 should now comply with all requirements of 35 U.S.C. § 112. Additionally, the term “projects” has been added, which is supported by, for example, paragraphs [0022], [0027], [0028], and the figures. No new matter has been added.

**Claims 10 and 14-16** were objected to for informalities. Claim 10 has amended the term “a light” to read “a light source.” The amendment is believed to address the Examiner’s objection to claim 10.

Regarding claim 14, Applicant is uncertain as to the objection that “it is not shown what method is claimed.” Claim 14 recites a method comprising steps/actions of determining and applying that produce a result of a desired total light having a desired hue. Thus, a method is clearly recited. If the Examiner still believes there is a problem with claim 14, please provide information relating to the objection and Applicant will address it in a subsequent response.

**The Present Claims Patentably Distinguish Over the References of Record**

Claims 1-6, 9-11 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al. (U.S. Pat. No. 4,953,011).

**Independent Claim 1**

Claim 1 recites a sensor that senses hue of an ambient light within a space, and a light hue modulating device that projects a compensating light to adjust the ambient light to a desired hue within the space.

Mori is very different from claim 1 and the other present claims. Mori is directed to digital image processing that modifies digital color values and has nothing to do with projecting a compensating light as recited in claim 1. For example, Mori teaches a color enhancing circuit that can be used in an endoscope to distinguish a blood vessel from other body parts (see column 1, lines 33-43). Mori further states “Still another object of the present invention is to provide a color enhancing circuit which, during diagnosis, is capable of making an affected part readily distinguishable from an unaffected part.” (see column 1, lines 65-68)

The Office Action cites column 2, lines 1-17 as teaching the elements of claim 1. This section describes a color enhancing circuit 1, whose details are shown in Figure 4. The circuit 1

is better understood from Figure 6. Figure 6 shows the circuit 1 as part of “a signal processor 10 for processing signals supplied to the electronic endoscope 9.” (see column 3, lines 27-30). The endoscope 9 includes an image forming lens 13 which is adapted to be inserted into a somatic cavity or the like (column 3, line 36-38). A light source 16 is used to illuminate an object (column 3, lines 44-45). Starting at column 3, line 59, Mori describes that video signals are collected and color enhancing circuit 1 outputs color difference signals (R-Y)’ and (B-Y)’ “in which the saturation corresponding to the desired hue is enhanced.” (column 4, lines 9-10). These signals are then inputted to an NTSC encoder 29. Mori then explains the object and result of the system as, “In this way, composite video signals are generated, and a color image is displayed on the color monitor 30.” (column 4, lines 14-16).

From the descriptions of Mori, Mori is not concerned with ambient light, is not concerned with the hue of ambient light, and is not concerned with projecting a compensating light. Therefore, Mori fails to teach or suggest the claimed sensor and the light hue modulating device that projects a compensating light to adjust the ambient light to a desired hue within the space. Thus, claim 1 patentably distinguishes from Mori and is in condition for allowance.

Additionally, Mori cannot be interpreted to adjust ambient light as in claim 1. Mori generates video signals that are outputted to a monitor 30 (column 4, lines 14-16). The light from the monitor 30 does not in any way adjust or affect the inputted light, which is the light from the image collected from the endoscope tip 12 from inside a body part.

Since claim 1 recites features not taught or suggested by Mori, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-13 also patentably distinguish over the reference and are in condition for allowance.

#### Independent Claim 14

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mori et al. Claim 14 recites a method comprising determining a compensating hue for a compensating light that compensates for a particular ambient light having an ambient hue, and applying the compensating light to the ambient light to yield a desired total light having a desired hue.

Based on the previous explanation of Mori, the apparatus and circuits of Mori do not operate with any method that is similar to the recited method of claim 14. Mori teaches how a selected object (e.g. a blood vessel) from an image can be enhanced to be more distinct from other objects and is displayed on a video monitor. Therefore, Mori fails to teach or suggest applying a compensating light to ambient light as recited in claim 14 and the rejection should be withdrawn.

Since claim 14 recites features not taught or suggested by Mori, claim 14 patentably distinguishes over Mori. Accordingly, dependent claims 15-16 also patentably distinguish over the reference and are in condition for allowance.

#### Independent Claim 17

Claim 17 was rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al.

Claim 17 recites, for example, means for modulating the hue of the compensating light into the ambient light to yield a desired total light. As described previously, Mori is not concerned with modulating the hue of a compensating light into an ambient light. Thus, Mori fails to teach or suggest the elements of claim 17. Claim 17, thus, patentably distinguishes over the references of record and is in condition for allowance. Accordingly, dependent claim 18 also patentably distinguishes over the reference and is in condition for allowance.

#### The § 103 Rejection

Dependent **claims 12, 13 and 18** were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori et al. in view of Tayebati (U.S. Pat. No. 6,819,466). Tayebati describes a Fabry-Perot modulator. Since Mori fails to teach or suggest the elements of the independent claims, Tayebati fails to cure the shortcomings of Mori and claims 12, 13, and 18 are not taught or suggested by the combination of the references.


Furthermore, Applicant believes that one of ordinary skill in the art would have no suggestion to modify Mori with the Fabry-Perot modulator of Tayebati. There is no suggestion as to where or how such a modulator would be used in the device of Mori. For this additional reason, the § 103 rejection is not supported and should be withdrawn.

**Conclusion**

For the reasons set forth above, **claims 1-22** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

18-AUG-2005

  
\_\_\_\_\_  
PETAR KRAGULJAC (Reg. No. 38,520)  
(216) 348-5843